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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FILED

ONE WORLD TECHNOLOGIES, LTD. and
RYOBI TECHNOLOGIES, INC.,

Plaintiffs,

v.

REXON INDUSTRIAL CORP., LTD.,
POWER TOOL SPECIALISTS, INC.,
PORTER-CABLE CORP., DELTA
INTERNATIONAL MACHINERY CORP.,
and PENTAIR, INC.,

Defendants.

MAY 23 2005 10

**MICHAEL W. DUBBINS
CLERK, U.S. DISTRICT COURT**

Civil Action No. 04C 4337

Judge Matthew F. Kennelly

**ONE WORLD'S MEMORANDUM IN SUPPORT OF ITS
MOTION FOR LEAVE TO FILE ITS FOURTH AMENDED COMPLAINT
ADDING REXON USA AS A DEFENDANT**

I. INTRODUCTION

One World Technologies, Ltd. and Ryobi Technologies, Inc. (collectively, "One World") recently learned that Raxon USA, Corp. ("Raxon USA"), a Massachusetts corporation related to Defendants Raxon Industrial Corp., Ltd. ("Raxon") and Power Tool Specialists, Inc. ("PTS"), is infringing the patents-in-suit. Accordingly, One World seeks to add Raxon USA as a defendant in this case. One World's proposed Fourth Amended Complaint adding Raxon USA accompanies this motion.

The proposed addition of Raxon USA to the case raises few, if any, new issues that need to be discovered. For example, adding Raxon USA does not have any effect on the number of patent claims being asserted, the models of the products being charged with infringement, or the witnesses involved. In an attempt to procure a complete and enforceable judgment, One World merely seeks to add the alter ego of Raxon and PTS to this case.

II. CONTROLLING LAW

Federal Rule of Civil Procedure 15(a) permits a complaint to be amended after a responsive pleading is served "only by leave of court or by written consent of the adverse party." Such "leave shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). "The purpose of this liberal standard is to allow plaintiffs to present, and have the court decide, a case on its merits." *Orlowski v. Dominick's Finer Foods, Inc.*, 937 F. Supp. 723, 732 (N.D. Ill. 1996) (Keys, J.). However, a district court need not allow an amendment when there is undue delay, bad faith, dilatory motive, undue prejudice to the opposing party, or when the amendment would be futile. *See Foman v. Davis*, 371 U.S. 178, 182 (1962).

In addition to satisfying Rule 15(a), an amendment seeking to add an additional defendant must comport with Rule 20, which governs the permissive joinder of parties. *See Westell Techs., Inc. v. Hyperedge Corp.*, No. 02 C 3496, 2003 U.S. Dist. LEXIS 15688, at *3 (N.D. Ill. Sept. 3, 2003) (Gottschall, J.) (Ex. A). Such an amendment must meet two prerequisites as to the defendants, including the proposed new defendant: (1) they must be charged with claims that arise out of the same transaction, occurrence, or series of transactions or occurrences; and (2) they must share in common at least one question of law or fact. Fed. R. Civ. P. 20(a).

III. REXON USA SHOULD BE ADDED AS A DEFENDANT IN THIS CASE

A. The Recently Discovered Facts

In this case, the accused products include miter saws and table saws. Both Rexion and PTS have been stonewalling One World, both with respect to documents and discovery. As a result, One World has so far been able to get very little from Rexion and nothing from PTS in the way of documents, and neither Rexion nor PTS have been forthcoming with corporate deponents. Consequently, One World has been forced to file motion to compel discovery from Rexion and PTS. *See One World's Motion to Compel Defendants Rexion and PTS to Complete Their Document Production, To Produce Their Rule 30(b)(6) Witnesses, and to Produce Rexion Witnesses in Chicago*, filed May 23, 2005.

Nonetheless, there is another lawsuit pending in this Court between One World, Rexion and PTS. *One World Technologies, Ltd. et al. v. Robert Bosch Tool Corp. et al.*, Civil Action No. 04 C 0833 (Zagel, J.). In that lawsuit, which is presently before Judge Zagel, One World has

charged Rexion and PTS with infringing another of One World's patents directed to a rotatable saw handle. The accused products in Judge Zagel's case are also miter saws, including some of those accused of infringement in this case.

On March 28, 2005, Rexion disclosed in Judge Zagel's case that some accused miter saws are directly shipped from Rexion to Rexion USA for the replenishment of Sears' inventory (Ex. B, Rexion Response to Interrogatory No. 16). On April 4-5, 2005, in the only depositions taken in that case to date, Rexion's research and development managers stated that:

- Rexion owns both Rexion USA and PTS (*see* Ex. C, Ku Dep. 57-58, 64; Ex. D, Lo Dep. at 18);
- Rexion USA and PTS share the same physical offices (*see* Ex. C, Ku Dep. at 64; Ex. D, Lo Dep. at 39-40);
- Rexion USA provides the sales force for Rexion's miter saws and table saws (*see* Ex. C, Ku Dep. at 53, 58-70)
- Rexion USA and PTS both provide after-sales service to customers for miter saws and table saws (*see* Ex. C, Ku Dep. at 14-17, 94; Ex. D, Lo Dep. at 18-20); and
- It is difficult to differentiate between Rexion USA and PTS (*see* Ex. C, Ku Dep. at 58, 62, 64).

An inspection of the corporate filings of Rexion USA and PTS confirms that the two companies have the same president, officers, directors, registered agent and location (Exs. E, F Rexion USA/PTS filings; Exs. G, H, D&B Reports). One World is also moving to add Rexion USA to Judge Zagel's case.

B. The Addition of Rexion USA As a Defendant Would Not Be Futile

A proposed amendment is futile only if it could not withstand a Rule 12(b)(6) motion to dismiss. *See Peoples v. Sebring Capital Corp.*, 209 F.R.D. 428, 430 (N.D. Ill. 2002) (Gottschall, J.). Here, Rexion USA is clearly involved in the importation and sale of the accused products, as well as instructing end-users on how to use them, and thus may be infringing the patents-in-suit. *See* 35 U.S.C. § 271; *see also Mahurkar v. C.R. Bard, Inc. et al.*, No. 01 C 8452, 2003 U.S. Dist. LEXIS 2329, at *15 (N.D. Ill. Feb. 18, 2003) (Pallmeyer, J.) ("where the infringement is the result of the participation and combined actions of the defendants, they are joint infringers and are jointly liable for the infringement") (Ex. I). Moreover, Rexion USA may be liable for PTS' or Rexion's infringing activities under alter ego or agency theories of liability. *See SRI Int'l, Inc. v. Internet Sec. Sys., Inc. et al.*, No. 04-1199-SLR, 2005 U.S. Dist. LEXIS 6797, at *8-*10 (D. Del. Apr. 13, 2005) (Ex. J); *Westell*, 2003 U.S. Dist. LEXIS 15688, at *4-*6 (adding new defendant

not frivolous where alter ego and agency theories of liability are justified by common shareholders and officers, including common president). Accordingly, adding Rexon USA as a defendant to this case would not be futile.

C. The Addition of Rexon USA Would Not Result in Any Undue Prejudice

One World brings this motion several weeks after learning the above-identified facts concerning Rexon USA based on discovery in Judge Zagel's case. Recently discovered information is a sufficient justification for adding a new defendant to a case. *See Westell*, 2003 U.S. Dist. LEXIS 15688, at *5-*9; *Gregg Comm. Sys., Inc. v. Am. Tel. & Tel. Co.*, 98 F.R.D. 715, 721 (N.D. Ill. 1983) (Bua, J.) ("the need to amend may not appear until some discovery is completed"). Regardless, mere delay is an insufficient basis for denying leave to amend unless the delay results in undue prejudice to the opposing party. *Tragarz v. Keene Corp.*, 980 F.2d 411, 432 (7th Cir. 1983).

Because fact discovery in this case is on-going, there is no undue prejudice due to reopening or duplicating discovery. *See Westell*, 2003 U.S. Dist. LEXIS 15688, at *5. The parties can complete fact discovery by June 30, 2005 because there are few, if any, new issues that need to be discovered. For example, adding Rexon USA does not have any effect on the number of patent claims being asserted, the models of the products being charged with infringement, or the witnesses involved.

Even if some additional discovery and briefing are necessary, it would not be so prejudicial that the proposed amendment should be denied. *See Sitrick v. Freehand Sys., Inc.*, No. 02 C 1568, 2004 U.S. Dist. LEXIS 5292, at *19 (N.D. Ill. March 31, 2004) (Guzman, J.) (Ex. K). Further, Rexon USA can retain the same outside counsel as Rexon and PTS, whom are being jointly represented by the same firms in both this case and in Judge Zagel's case. A court should prohibit an amended complaint only where the prejudice to the opposing party outweighs the moving party's right to have the case decided on the merits. *See Orlowski*, 937 F. Supp. at 732. Any prejudice that would result by adding Rexon USA does not outweigh One World's rights to prosecute its infringement case against all applicable defendants and to obtain a complete and enforceable judgment.

D. There is No Undue Delay, Bad Faith or Dilatory Motive

Rexon, PTS and Rexon USA cannot point to any undue delay, bad faith or dilatory motive on the part of One World in bringing this motion. Rexon and PTS continue to stonewall

One World with respect to discovery. Indeed, One World only recently learned of the facts supporting this motion based on discovery taken in Judge Zagel's case.

Nor can Rexion, PTS and Rexion USA claim any surprise, as the facts that form the basis of the instant motion were known to them before they were learned by One World. *See Sitrick*, 2004 U.S. Dist. LEXIS 5292, at *10-*11. In addition, One World provided prior notice to counsel for the parties that this motion would be filed (*see* Ex. L, 5/3/05 Letter from Gauri to Grogan; Ex. M, 5/19/05 Letter from Zanfardino to Griffith and Hartmann).

E. One World's Claims Against Rexion, PTS and Rexion USA Arise Out of the Same Transactions and Share Common Questions of Law and Fact

Both criteria under Rule 20(a) are met here. First, One World contends that Rexion USA is infringing the patents-in-suit by its importation of the accused products from Rexion and its replenishment of Sears' inventory. One World also contends that Rexion USA is involved in the same post-sale infringing activities as PTS due to their overlap in officers and personnel. The claims against Rexion, PTS and Rexion USA thus arise out of the same transactions or series of transactions. *See Westell*, 2003 U.S. Dist. LEXIS 15688 at *6.

Second, because One World's claims in this case are all based upon infringement of the same patents-in-suit, common questions of law and fact exist between the parties. *See id*; *see also Stanley Works v. Haeger Potteries, Inc.*, 35 F.R.D. 551, 554 (N.D. Ill. 1964) (Marovitz, J.) (in patent case where the proposed new defendant allegedly made infringement possible, judicial economy requires the proposed new defendant's presence in the case).

IV. CONCLUSION

The proposed addition of Rexon USA as a defendant in this case satisfies the requirements of Fed.R.Civ.P. 15 and 20. Accordingly, for the reasons stated above, One World respectfully requests that the Court grant it leave to file its proposed Fourth Amended Complaint for Patent Infringement, and accept for filing instanter the signed Fourth Amended Complaint attached at Exhibit N.

Dated: May 23, 2005

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **ONE WORLD'S MEMORANDUM IN SUPPORT OF ITS MOTION FOR LEAVE TO FILE ITS FOURTH AMENDED COMPLAINT ADDING REXON USA AS A DEFENDANT** was served on this 23th day of May, 2005, on the following attorneys:

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Exhibit C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

-----X
ONK WORLD TECHNOLOGIES, LTD. AND :
RYOBI TECHNOLOGIES, INC., :
PLAINTIFFS :
VS :
ROBERT BOSCH TOOL CORPORATION, :
REXON INDUSTRIAL CORP., LTD. AND :
POWER TOOL SPECIALISTS, INC., :
DEFENDANTS :
-----X

Videotaped deposition of
GEORGE KU taken at the offices of
McCormick, Paulding & Huber, LLP,
CityPlace II, 185 Asylum Street, Hartford,
Connecticut 06103, before Clifford
Edwards, LSR, Connecticut License No.
SHR.407, a Professional Shorthand Reporter
and Notary Public, in and for the State of
Connecticut on April 4, 2005, at 9:00 a.m.

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MADISON, CT 06443

HARTFORD

NEW HAVEN

STAMFORD

09:29:44 1 Q What documents did you provide?

09:29:53 2 A A lot. Like meeting notes. Simple logs.

09:30:10 3 Q I'm sorry, simple locks?

09:30:15 4 THE INTERPRETER: L-o-g, Log.

09:30:17 5 A Daily journal.

09:30:18 6 BY MR. GAURI:

09:30:19 7 Q Anything other than meeting notes and

09:30:22 8 daily journals?

09:30:28 9 A Some simple drawings.

09:30:34 10 Q Anything else?

09:30:36 11 A That's all I can remember.

09:30:38 12 Q Did this request come directly from

09:30:40 13 attorneys or from someone at PTS?

09:30:49 14 A PTS.

09:30:51 15 Q And who was it at PTS that requested these

09:30:54 16 from you?

09:30:59 17 A Judy.

09:31:00 18 Q Anyone else?

09:31:01 19 A No.

09:31:05 20 Q What topics do you speak with Jenny at PTS

09:31:10 21 about?

09:31:17 22 A Is it related to this one?

09:31:26 23 Is it -- do you mean something related to

09:31:30 24 this case?

09:31:32 25 Q No. Earlier you stated that you speak to

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09:31:35 1 Jenny at PTS in English about certain topics, so I
09:31:39 2 just wanted to know what those topics were that you
09:31:42 3 speak to her about.

09:31:56 4 A We communicate by e-mail. She just asked
09:32:05 5 me for some material.

09:32:07 6 Q Did she ask for the materials for this
09:32:11 7 litigation or was this prior to the litigation?

09:32:24 8 A I don't remember.

09:32:27 9 Q Did you provide any e-mails to Jenny or
09:32:30 10 Judy?

09:32:36 11 THE INTERPRETER: Sorry.

09:32:38 12 Provide what?

09:32:38 13 BY MR. GAURI:

09:32:39 14 Q Did you provide e-mails to Jenny or Judy?

09:32:47 15 A We are colleagues. We always communicate
09:32:49 16 with e mails.

09:32:51 17 I don't quite understand your question.

09:32:53 18 Q Earlier you stated you provide drawings,
09:32:57 19 meeting notes and daily logs to Judy for the
09:33:00 20 litigation.

09:33:01 21 Did you provide any e-mails?

09:33:04 22 THE INTERPRETER: Provide those
09:33:05 23 things in e-mail?

09:33:06 24 BY MR. GAURI:

09:33:07 25 Q In addition to those things, did you also

09:33:15 1 search for and provide any e-mail messages?

09:33:26 2 A Yes, but a lot of things I really don't
09:33:30 3 remember.

09:33:31 4 Q But you do remember providing e-mails?

09:33:42 5 A I just respond that to her that when I can
09:33:46 6 provide information or material.

09:33:55 7 Q Do you speak to Jenny about any topics
09:33:58 8 other than providing documents or e-mails?

09:34:22 9 A The topic I talk to -- I communicate with
09:34:27 10 Jenny is different.

09:34:28 11 Q What are those topics?

09:34:33 12 A After sales service.

09:34:40 13 Q Does she ask you questions about after
09:34:43 14 sales service?

09:34:48 15 A Yes.

09:34:49 16 Q For which products?

09:34:55 17 A Too many.

09:34:58 18 Q Miter saws?

09:35:06 19 A All products. Miter saw, gco saw
09:35:11 20 (phonetic), table saw.

09:35:14 21 Q And the documents you provided to Judy,
09:35:17 22 which products were those related to?

09:35:24 23 A Too many. I don't remember.

09:35:26 24 Q Miter saws?

09:35:29 25 A That's one of them.

09:35:31 1 Q Table saws?

09:35:33 2 A Yes.

09:35:36 3 Q Do you speak with Jenny about any topics
09:35:40 4 other than after sales service?

09:35:46 5 A No.

09:35:48 6 Q You mentioned earlier that you speak in
09:35:51 7 English to Nina Lancaster.

09:35:55 8 What topics do you discuss with her in
09:35:58 9 English?

09:36:12 10 A She is responsible to give -- to provide
09:36:16 11 us with after sales record.

09:36:21 12 Q Does she do anything -- does she discuss
09:36:24 13 anything else with you?

09:36:26 14 A No.

09:36:27 15 Q Do you know her title or position at PTS?

09:36:35 16 A No, I don't.

09:36:36 17 Q Do you know Jenny's title or duties at
09:36:42 18 PTS?

09:36:49 19 A Office manager if I remember.

09:37:00 20 I don't know about Judy.

09:37:03 21 Q What do you speak to Joe Borgatti about in
09:37:08 22 English?

09:37:11 23 A After problems about -- issues about after
09:37:15 24 sale.

09:37:15 25 Q Anything else?

11:08:02 1 A Because there are many I don't remember.

11:08:06 2 Q Who at Sears told you to stop

11:08:10 3 manufacturing these miter saws?

11:08:27 4 A Usually the salespeople -- our salespeople

11:08:32 5 told me, but I don't remember.

11:08:34 6 Q Which salespeople told you this?

11:08:43 7 A Jim Lancaster.

11:08:52 8 Q Anyone else?

11:08:54 9 A I don't remember.

11:09:00 10 Q So the M 2503 RC is the miter saw with the

11:09:07 11 rotating handle you are currently making?

11:09:18 12 A Yes.

11:09:22 13 Q And do you know the Craftsman model

11:09:25 14 numbers that correspond to that miter saw?

11:09:33 15 A I don't remember.

11:09:39 16 Q Did you stop making the 24276 at the same

11:09:44 17 time that you stopped making the 21200?

11:09:57 18 A It should not be at the same time, but I

11:10:02 19 don't remember.

11:10:23 20 Q So you mentioned Ruby Hsiao, she's the one

11:10:28 21 that wrote the instructions with the Craftsman miter

11:10:31 22 saws with the rotating handles?

11:10:43 23 A Yes.

11:10:44 24 Q Did she write them in English?

11:10:46 25 A Yes.

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11:16:19 1 A Daniel.

11:16:22 2 Q Anyone else?

11:16:26 3 A No.

11:16:29 4 THE WITNESS: Sorry. Sometime mix.

11:16:33 5 BY MR. GAURI:

11:16:33 6 Q On the chart -- Mr. Ku, on the chart
11:16:36 7 next -- you have in front of you, Plaintiff's
11:16:39 8 Exhibit 1, there's a category, it says overseas
11:16:43 9 subsidiary?

11:16:47 10 THE WITNESS: Yes.

11:16:47 11 BY MR. GAURI:

11:16:48 12 Q Do you know who that person is?

11:16:51 13 I'm sorry.

11:16:51 14 Do you know who that subsidiary is?

11:17:10 15 A I'm not sure what you mean here, but I
11:17:13 16 know that we have branches in France, England,
11:17:17 17 Germany and Japan.

11:17:19 18 Q Do you have branches in the United States?

11:17:23 19 A Yes.

11:17:25 20 Q Which ones?

11:17:30 21 A Rexon USA.

11:17:33 22 Q Anyone else?

11:17:40 23 A I'm not so sure about others.

11:17:44 24 Q Would you consider PTS to be an overseas
11:17:58 25 subsidiary?

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11:17:59 1 A So far as I know, we have invested a lot,
11:18:02 2 the majority of the shares.
11:18:07 3 Q Rexion owns a majority of the shares of
11:18:10 4 PTS?
11:18:14 5 A That's what I know about.
11:18:20 6 Q Do you know when Rexion first invested in
11:18:24 7 PTS?
11:18:31 8 A I don't know.
11:18:36 9 Q Was it more than five years ago?
11:18:41 10 A It should be.
11:18:42 11 Q More than ten years ago?
11:18:46 12 A I don't know. I don't remember.
11:18:53 13 Q What functions does Rexion USA provide with
11:18:58 14 Rexion's -- with Rexion, the parent company?
11:19:19 15 A I really not sure about it.
11:19:23 16 Q Do you deal with anyone at Rexion USA?
11:19:31 17 A Jim Lancaster.
11:19:36 18 Q Does he also work for PTS?
11:19:52 19 A I'm not sure about the organization.
11:19:57 20 Usually there are many people interact with each
11:20:00 21 other.
11:20:00 22 Q So there are people who work for both
11:20:05 23 companies?
11:20:12 24 A I did not answer this one question or I'm
11:20:18 25 not so sure.

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11:20:20 1 Q What do you speak to Jim Lancaster about?

11:20:46 2 THE INTERPRETER: Sorry. I have to
11:20:47 3 clarify.

11:20:59 4 A He usually provide the feedback from
11:21:02 5 the -- from a interaction with a client.

11:21:07 6 He usually provide the feedback from after
11:21:12 7 the interaction with clients.

11:21:14 8 BY MR. GAURI:

11:21:15 9 Q Which clients?

11:21:21 10 A Such as Sears. Ace. CTC of Canada and
11:21:40 11 Sears Canada. I only know these.

11:21:45 12 Q Does he interact with Lowe's also?

11:21:57 13 A So far as I know, yes.

11:22:03 14 Q Which products does Jim Lancaster discuss
11:22:08 15 with his clients?

11:22:14 16 A Bench and pneumatic.

11:22:21 17 Q That includes all table saws and miter
11:22:25 18 saws manufactured by Raxon?

11:22:30 19 A Yes.

11:22:33 20 Q What kind of feedback does he discuss with
11:22:37 21 his clients?

11:22:44 22 A He will give us the meeting notes.

11:22:50 23 Q Notes from which meetings?

11:23:02 24 A Something about a sales activities.

11:23:08 25 Q Who attends those meetings?

11:23:13 1 Who attends those meetings?

11:23:16 2 A Usually buyers.

11:23:18 3 Q Do you know the names of anyone who

11:23:20 4 attends those meetings with Jim Lancaster?

11:23:31 5 A Which client are you refer to?

11:23:36 6 Q Any of the ones you mentioned.

11:23:52 7 A Russ Baker. Steve Noble.

11:24:14 8 Before he was for Sears, before it was

11:24:17 9 Barbara. Now it's Russ Baker. And -- Steve Noble

11:24:31 10 is the buyer from CTC.

11:24:39 11 Q What is Barbara's last name?

11:24:49 12 A Probably R-a-d-a, but I'm not sure.

11:24:53 13 Q Did she leave Sears?

11:24:58 14 A So far as I know, no.

11:25:01 15 Q When did Russ Baker take over?

11:25:12 16 A Should be more than a year, but I'm not

11:25:16 17 sure about a date.

11:25:17 18 Q What about Sears Canada, who does Jim meet

11:25:22 19 with from Sears Canada?

11:25:42 20 A The new one I know is Mike. Maybe Mike

11:25:46 21 Hocken.

11:25:47 22 But I don't know how to spell his last

11:25:51 23 name.

11:25:53 24 Q Who did he replace?

11:25:54 25 A I don't remember.

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11:25:56 1 Q What about Lowes?

11:26:06 2 A Lowes, Larry Covin, C-o-v-i-n. I don't
11:26:16 3 know whether I spelled it right.

11:26:20 4 Q What about Ace?

11:26:25 5 A I don't quite deal with Ace.

11:26:30 6 Q So you deal with all of these persons in
11:26:33 7 addition to Jim?

11:26:45 8 A When you say these people you mean these
11:26:49 9 clients?

11:26:52 10 Q Correct.

11:26:59 11 A Very few chances. Only when they go to
11:27:02 12 Taiwan.

11:27:03 13 Q So you meet with these clients personally
11:27:06 14 when they visit Taiwan?

11:27:15 15 A They will go to our company and I'll be
11:27:20 16 there.

11:27:21 17 Q How often does that happen?

11:27:28 18 A Once a year sometimes. But sometimes not
11:27:31 19 at all.

11:27:33 20 Q But these people you all mentioned, they
11:27:36 21 all work for the clients.

11:27:39 22 Is that correct?

11:27:39 23 Russ Baker, Steve, Mike and Larry?

11:27:54 24 A Yes. They are all buyers.

11:27:57 25 Q Do you deal with anyone else at Rexon USA

11:28:01 1 other than Jim Lancaster?

11:28:15 2 A Because I'm not sure about the
11:28:17 3 organizations of PTS and Rexon USA, so I don't know.

11:28:28 4 Q Do you deal with anyone else at PTS who we
11:28:32 5 didn't discuss earlier like Bob, Joe, Nina, Jenny,
11:28:39 6 Judy and Dan?

11:29:03 7 A I already answered your question because
11:29:06 8 we are colleagues with each other that we frequently
11:29:10 9 have communications.

11:29:15 10 Q So no one other than the people I
11:29:17 11 mentioned?

11:29:24 12 A I -- that's what I remember.

11:29:27 13 Q Do you know Shi Ying Lin?

11:29:40 14 A It's that you said it wrong or I have
11:29:43 15 never heard of this person.

11:29:44 16 Q Do you deal with anyone who has the title
11:29:48 17 of president of Rexon USA?

11:29:57 18 A Yes, because we are colleagues.

11:29:59 19 Q Who is that?

11:30:03 20 A Now it's Jim.

11:30:05 21 Q Jim is president of Rexon USA?

11:30:09 22 A Yes, now.

11:30:10 23 Q Who preceded him?

11:30:17 24 A No one.

11:30:21 25 Q Who carried out his duties before he took

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11:30:24 1 over?

11:30:34 2 A I really don't know about the organization
11:30:39 3 outside the country.

11:30:42 4 Q How long has Jim been at Rexion USA?

11:30:54 5 A I don't remember. It should be more than
11:30:57 6 four years.

11:31:00 7 MR. GAURI: Okay. We are running out
11:31:01 8 of videotape is my understanding, so why
11:31:03 9 don't we take a break.

11:31:05 10 THE VIDEOGRAPHER: Going off the
11:31:06 11 record at 11:30 a.m.

11:31:12 12 (THEREUPON, THERE WAS A RECESS
11:31:12 13 TAKEN.)

11:49:45 14 THE VIDEOGRAPHER: Back on the record
11:49:46 15 at 11:49 a.m.

11:49:49 16 BY MR. GAURI:

11:49:49 17 Q Mr. Ku, earlier we were talking about your
11:49:52 18 interactions with Jim Lancaster at Rexion USA. You
11:49:57 19 mentioned that he provides feedback from clients.

11:50:01 20 Does Rexion USA provide any other service
11:50:05 21 or function to Rexion Industrial?

11:50:48 22 A I'm not sure about this in this respect.

11:50:53 23 Q Does Rexion USA ship any products to
11:50:57 24 customers in the U.S.?

11:51:09 25 A I don't know.

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11:51:11 1 Q And just so I -- just to confirm, the only
11:51:15 2 person you've ever dealt with at Rexion USA is Jim
11:51:21 3 Lancaster?

11:51:38 4 A I did not say because PTS and Rexion USA,
11:51:44 5 they have interaction.

11:51:45 6 I don't know about their organization so I
11:51:49 7 better not say it.

11:51:51 8 Q Does Rexion wholly own -- I'm sorry. Let
11:51:56 9 me rephrase that.

11:51:57 10 Does Rexion entirely own Rexion USA?

11:52:05 11 A I don't know.

11:52:07 12 Q Do you know if anyone else owns a part of
11:52:11 13 Rexion USA?

11:52:17 14 A I don't know.

11:52:22 15 Q Would you consider Rexion USA to be a
11:52:26 16 subsidiary of Rexion?

11:52:35 17 A I think it is because it is Rexion USA.

11:52:39 18 Q Where is Rexion USA located?

11:52:45 19 A In Connecticut.

11:52:47 20 Q Do you know where in Connecticut?

11:52:54 21 A Springfield.

11:52:57 22 Q Does Rexion USA share in the same location
11:53:01 23 as PTS?

11:53:09 24 A Part. Just part.

11:53:11 25 Q What do you mean by part?

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11:53:22 1 A There are other ...
11:53:25 2 (THEREUPON, THE COURT REPORTER
11:53:25 3 REQUESTS CLARIFICATION.)
11:53:26 4 A There are other colleagues in Chicago.
11:53:35 5 MR. GROGAN: Other what?
11:53:36 6 THE INTERPRETER: Colleagues.
11:53:36 7 MR. GROGAN: Colleagues. Okay.
11:53:38 8 THE INTERPRETER: Are close.
11:53:41 9 BY MR. GAURI:
11:53:42 10 Q Who are those colleagues?
11:53:51 11 A Right now I can't remember their names.
11:53:53 12 Q They work for Rexon USA?
11:54:01 13 A Yes.
11:54:01 14 Q How many of them are there?
11:54:06 15 A So far as I know, two.
11:54:09 16 Q What do they do for Rexon USA?
11:54:19 17 A Account managers.
11:54:21 18 Q They are both account managers?
11:54:25 19 A So far as I know, yes.
11:54:27 20 Q For which accounts?
11:54:33 21 A Sears and Lowes.
11:54:40 22 Q And which product lines do they deal with?
11:54:50 23 A Lowes, Tradesmen in Lowes, Craftsman in
11:54:56 24 Sears.
11:54:57 25 Q So do either of them deal with miter saws

11:55:01 1 with rotating handles?

11:55:11 2 A So far as I know only Sears.

11:55:15 3 Q And do they deal with miter saws with
11:55:19 4 laser guides?

11:55:26 5 A Yes.

11:55:29 6 Q Does Tradesmen make any miter saws with
11:55:33 7 rotating handles?

11:55:39 8 MR. GROGAN: Objection.

11:55:44 9 A No. So far as I know, no.

11:55:47 10 BY MR. GAURI:

11:55:47 11 Q Are there any Tradesmen miter saws with
11:55:51 12 laser guides?

11:56:00 13 A Yes.

11:56:00 14 Q Which ones?

15 A I don't remember the model number.

11:56:09 16 Q Is it only one?

11:56:12 17 A More than that.

11:56:14 18 Q Do you know how many?

11:56:21 19 A Probably two. Approximately two.

11:56:28 20 Q And both the account managers in Chicago
11:56:31 21 deal with table saws?

11:56:40 22 A I want to clarify. One in Chicago, one in
11:56:44 23 other location.

11:56:45 24 Q What is the other location?

11:56:51 25 A North Carolina.

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11:56:52 1 Q Where in North Carolina?

11:57:02 2 A Mooresville.

11:57:08 3 I don't know how to spell the whole name,

11:57:11 4 M-o-r-e-s-v-i-l-l.

11:57:18 5 Q Mooresville?

11:57:19 6 THE WITNESS: Yup.

11:57:20 7 BY MR. GAURI:

11:57:20 8 Q Is the Lowes manager in Mooresville?

11:57:24 9 THE WITNESS: Yes.

11:57:24 10 BY MR. GAURI:

11:57:24 11 Q And the Sears manager is in Chicago?

11:57:26 12 A Yes.

11:57:29 13 Q But you don't remember either of their
11:57:31 14 names?

11:57:38 15 A Dave in Lowes.

11:57:40 16 Q What is his last name?

11:57:45 17 A I don't remember how to spell it.

11:57:51 18 Q What's his full Chinese name?

11:57:57 19 A He's American.

11:57:58 20 Q American. Okay.

11:58:03 21 What about the Craftsman account manager.

11:58:07 22 What's his name?

11:58:09 23 A Let me think about it. Right now I cannot
11:58:13 24 remember.

11:58:17 25 Q Are there any account managers at Rixon in

11:58:21 1 Taiwan who are responsible for Sears or Lowes?

11:58:32 2 A Recently we have one.

11:58:34 3 Q Who is that?

11:58:36 4 A Jeff Chen.

11:58:38 5 Q Who is he the account manager for?

11:58:45 6 A Sears. Taiwan Sears.

11:58:52 7 We separated American account and Taiwan

11:58:57 8 account. And he's responsible for the Taiwan

11:59:00 9 account.

11:59:01 10 Q So Jeff Chen is only responsible for Sears

11:59:05 11 locations in Taiwan?

11:59:09 12 A Yes.

11:59:10 13 Q So the only account manager who is

11:59:12 14 responsible for Craftsman products for Rexon is

11:59:17 15 located in Chicago?

11:59:25 16 MR. GROGAN: Rexon or Rexon USA?

11:59:28 17 We have been kind of going back and

11:59:30 18 forth here.

11:59:32 19 MR. GAURI: Just Rexon. Let me

11:59:33 20 rephrase.

11:59:34 21 BY MR. GAURI:

11:59:35 22 Q Is the only account manager for Craftsman

11:59:37 23 products that you are aware of in Chicago?

11:59:46 24 A Yes.

12:00:07 25 Q Do you know what those account managers do

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12:00:10 1 for Rexon USA?

12:00:15 2 A I'm not sure about the content.

12:00:18 3 Q Do you deal with them personally?

12:00:25 4 A Just colleagues.

12:00:28 5 Q Which of your colleagues deal with these
12:00:30 6 account managers we are talking about?

12:00:46 7 A Jeff Chen deal with the one in Chicago.

12:00:53 8 Q Jeff Chen works at your facility in
12:00:57 9 Taiwan?

12:01:01 10 A Yes.

12:01:06 11 Q So Jeff -- is there anyone other than Jeff
12:01:09 12 Chen who would know the name of the account manager
12:01:12 13 in Chicago?

12:01:21 14 A I remember now. His name is Ray, R-a-y.

12:01:27 15 Q Do you remember his last name?

12:01:29 16 A I don't know how to spell it.

12:01:32 17 Q Can you say it?

12:01:37 18 A I don't want to guess.

12:01:39 19 Q Is it Holbrook?

12:01:45 20 A Yes.

12:01:46 21 Q Do you speak with Ray Holbrook personally?

12:01:51 22 A Yes.

12:01:52 23 Q How often?

12:01:57 24 A Almost every week.

12:02:00 25 Q Once a week?

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12:02:06 1 A It varies.

12:02:07 2 Q Do you speak in English?

12:02:12 3 A Simple English.

12:02:14 4 Q What do you discuss with him?

12:02:25 5 A He asked me about the progress of the

12:02:29 6 samples when the samples will be ready.

12:02:33 7 Q Which samples?

12:02:39 8 A New products, those that we want to sell

12:02:41 9 to clients.

12:02:47 10 Q Do you discuss already existing products

12:02:50 11 with Mr. Holbrook?

12:02:57 12 A Yes.

12:02:58 13 Q Which ones?

12:03:05 14 A Something such as what I mentioned, table

12:03:08 15 saw.

12:03:09 16 Q And miter saw?

12:03:11 17 A No.

12:03:13 18 Q You've never discussed the miter saw with

12:03:16 19 Ray Holbrook?

12:03:25 20 A Before we have times talked about it.

12:03:28 21 Q But the miter saw would still be -- miter

12:03:32 22 saws would still be one of the products Ray Holbrook

12:03:44 23 is in charge of?

12:03:46 24 A Yes.

12:03:47 25 Q Mr. Ku, how many times have you visited

13:56:23 1 it's listed North America support, who is that?

13:56:37 2 A Assistance for Grace in Taiwan.

13:56:41 3 Q Does she have -- does she work with anyone
13:56:44 4 in the United States?

13:56:57 5 A Mostly she communicates with Jenny.

13:56:59 6 Q At PTS?

13:57:01 7 A Yes.

13:57:06 8 Q And then on the far right it states
13:57:09 9 service parts.

13:57:14 10 A That's serve -- service, after sales
13:57:21 11 service and parts shipping.

13:57:23 12 Q And who handles that?

13:57:38 13 A Someone under Grace. I forgot the name.

13:57:40 14 Q Does Rexon USA and PTS, are they also
13:57:45 15 involved with service and parts?

13:57:52 16 A Yes.

13:57:54 17 Q And then to the left of service parts is
13:57:57 18 accounting?

13:58:09 19 A They --

13:58:10 20 (THEREUPON, THE COURT REPORTER
13:58:10 21 REQUESTS CLARIFICATION.)

13:58:11 22 A They collect from clients. Collect money
13:58:13 23 from clients.

13:58:14 24 BY MR. GAURI:

13:58:14 25 Q Who is in that accounting department?